

ORIGINAL

NEW APPLICATION

SHERI HICKS



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DOCKET CONTROL

May 13, 2009

Docket Control  
Arizona Corporation Commission  
Filing Clerk  
1200 W. Washington, Ste. 108  
Phoenix, AZ 85007

T-03592A-09-0246

Re: Petition for Tel West Communications LLC to withdraw its Certificate of Convenience and Necessity

Please find the attached original plus fourteen (14) copies of the Application of Tel West Communications, LLC to withdraw its Certificate of Convenience and Necessity in the state of Arizona. Please return a file stamped copy to me in the enclosed self addressed, stamped envelope.

Please feel free to contact me if you have any questions.

Sincerely,

Sheri Hicks  
Regulatory Consultant  
Tel West Communications, LLC.

Arizona Corporation Commission

DOCKETED

MAY 19 2009

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**BEFORE THE ARIZONA CORPORATION COMMISSION**

**DOCKET NO. \_\_\_\_\_**      §    **APPLICATION OF TEL WEST**  
   §    **COMMUNICATIONS TO**  
   §    **WITHDRAW ITS CERTIFICATE**  
   §    **OF CONVENIENCE AND NECESSITY**  
   §    **IN THE STATE OF ARIZONA**

**APPLICATION TO WITHDRAW CERTIFICATE OF CONVENIENCE AND  
NECESSITY**

COMES NOW the Petitioner, Tel West Communications, LLC, a limited liability corporation and applies to the Arizona Corporation Commission (the "Commission") to withdraw the Petitioner's Certificate of Convenience and Necessity to provide local and long distance telephone service in the State of Arizona.

**I.**

Pursuant to the Arizona Administrative Code section R14-2-1107, the Petitioner respectfully informs the Commission that it has no customers within the state of Arizona. The Petitioner has no plans to provide service at a future date. The Petitioner did not require deposits from its customers therefore no deposit refunds were necessary upon cessation of service.

**II.**

The Petitioner respectfully requests the Commission to waive AAC R14-2-1107(A)(2) and (4)<sup>1</sup>, as well as ACC R14-2-1107(B)<sup>2</sup>. The Petitioner does not currently have customers with which to provide notice or lists of alternative providers in the area and therefore it is not possible for the Petitioner to comply with notice and carrier listing requirements in the above referenced

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<sup>1</sup> *Arizona Administrative Code R14-2-1107(A)(2) and (4)* requires that any company wishing to discontinue or abandon local or interexchange service within the State of Arizona must provide notice verification and a list of all alternative providers within the affected geographic area, respectively.

<sup>2</sup> *Arizona Administrative Code R14-2-1107(B)* requires any company wishing to discontinue service must provide notice in local newspapers.

sections. Also, the Petitioner believes AAC R14-21107(B) requiring newspaper notification to be unnecessary and overly burdensome for carriers that do not currently serve customers. While the Petitioner understands the importance of the above referenced section, in particular for customers whose existing provider is abandoning service, this section is not relevant to the public interest for carriers without customers. The Petitioner believes the above reference section will only pose to delay its exit from the state while serving no greater function for the consumers of Arizona. Therefore the Petitioner requests this section be waived and the application to withdraw approved without further delay.

#### **Conclusion**

The Petitioner has provided that the above application is not in conflict with the Public Interest of the State of Arizona and therefore the Petitioner respectfully requests the Arizona Corporation Commission grant the Petitioner's request to withdraw its Certificate of Convenience and Necessity and any bond requirement be cancelled.

The Petitioner has provided a signed affidavit as Exhibit A of this Petition certifying the above stated facts. Please direct any further communications to Sheri Hicks, 4500 Bremner Drive, Austin, Texas 78749 (512) 560-0415.

Respectfully Submitted,



Sheri Hicks  
Regulatory Consultant  
Tel West Communications LLC  
4500 Bremner Drive  
Austin, Texas 78749  
(512) 560-0415

Submitted Tuesday, May 12, 2009

**Exhibit A**

THE STATE OF ARIZONA

ARIZONA CORPORATION COMMISSION

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§  
§

**AFFIDAVIT**

I, Oleg Buzinover as Vice President of Finance for Tel West Communications LLC, provide the following facts:

- A. Tel West Communications LLC currently has no customers in the State of Arizona.
- B. Tel West Communications LLC has no plans to provide service within the State of Arizona at a future date.
- C. Tel West Communications LLC accepted no deposits from its customers therefore there were no deposits to refund.
- D. Tel West Communications LLC wishes to withdraw its Certificate of Convenience and Necessity in the State of Arizona.

Respectfully Submitted,



Oleg Buzinover, Vice President of Finance  
Tel West Communications LLC

This document was acknowledged before me by Oleg Buzinover on MAY 7 2009.



JIM L. PETTY  
Notary Public, State of Texas  
Notary's Printed Name:

JIM L. PETTY  
My Commission Expires:  
JUNE 20 2009